

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the Decision of the	)	
Universal Service Administrator by	)	
	)	
City of Espanola Finance Department	)	File No. SLD-178721
Espanola, New Mexico	)	
	)	
Schools and Libraries Universal Service Support	)	CC Docket No. 02-6
Mechanism	)	

**ORDER**

**Adopted: January 22, 2004**

**Released: January 23, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. City of Espanola Finance Department (City of Espanola), Espanola, New Mexico, seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>1</sup> Prior to the time that City of Espanola filed its request with the Commission, it also filed an appeal of the same decision with SLD.<sup>2</sup> The Commission's rules do not contemplate simultaneous appeals of SLD's decisions to the Administrator and the Commission.<sup>3</sup> We therefore dismiss without prejudice City of Espanola's Request for Review to the Commission. Once the Administrator has issued its decision, City of Espanola may then appeal to the Commission, if it believes such an appeal is warranted at that time.<sup>4</sup>

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<sup>1</sup> Letter from Lillian Brooks, City of Espanola Finance Department, to Federal Communications Commission, filed November 7, 2003 (Request for Review). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>2</sup> Letter from Lillian Brooks, City of Espanola Finance Department, to Schools and Libraries Division, Universal Service Administrative Company, filed April 22, 2003.

<sup>3</sup> 47 C.F.R. § 54.720 (when an applicant has an appeal pending with the Administrator, the period to file with the Commission is tolled until the Administrator's review is complete).

<sup>4</sup> See 47 C.F.R. §§ 54.719 – 54.725 (setting forth rules pertaining to Commission review of the Administrator's decisions).

2. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed on November 7, 2003, by City of Espanola Finance Department, Espanola, New Mexico, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Narda M. Jones  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau